

APPEAL NO. 030686
FILED MAY 9, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 18, 2003. With respect to the issues before him, the hearing officer determined that the appellant's (claimant) compensable injury of _____, does not include degenerative disc disease and herniated discs at L5-S1, C4-5, C5-6, and C6-7, a left arm injury; and/or a head injury with memory loss; and that the claimant did not have disability as a result of her _____, compensable injury. In her appeal, the claimant essentially argues that those determinations are against the great weight of the evidence. In its response to the claimant's appeal, the respondent (carrier) contends that the claimant's appeal is insufficient to invoke our jurisdiction. In the alternative, the carrier urges affirmance.

DECISION

Affirmed.

Initially, we consider the carrier's challenge to the sufficiency of the claimant's appeal. A fair reading of the document submitted by the claimant demonstrates that she is expressing disagreement with the hearing officer's decision. Thus, we cannot agree that the appeal is insufficient to invoke our jurisdiction and will treat it as a challenge to the sufficiency of the evidence to support the hearing officer's injury and disability determinations. See Texas Workers' Compensation Commission Appeal No. 92292, decided August 18, 1992.

The hearing officer did not err in determining that the claimant's compensable injury of _____, does not include degenerative disc disease and disc herniations at L5-S1, C4-5, C5-6, and C6-7, an injury to the left arm, and/or a head injury with memory loss. That issue presented a question of fact for the hearing officer to resolve. From the hearing officer's discussion, it is apparent that he was not persuaded that the claimant sustained her burden of proving the causal connection between her compensable injury and the conditions at issue. The hearing officer was acting within his province as the fact finder in so finding. Our review of the record does not reveal that the challenged determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Therefore, no sound basis exists for us to reverse that determination on appeal. Pool v. Ford Motor Co., 715 S.W.2d 629 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer also determined that the claimant did not have disability as a result of her _____, compensable injury. That issue likewise presented a question of fact for the hearing officer. As the fact finder, the hearing officer was free to determine that the claimant did not sustain her burden of proving that she was unable to obtain and retain employment at her preinjury wage as a result of her compensable

injury, which he determined did not include the degenerative disc disease and herniations at L5-S1, C4-5, C5-6, and C6-7, the left arm injury, and/or the head injury with memory loss. Our review of the record does not demonstrate that the disability determination is so against the great weight of the evidence as to compel its reversal. Pool; Cain.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TRINITY UNIVERSAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**DONALD GENE SOUTHWELL
10000 NORTH CENTRAL EXPRESSWAY
DALLAS, TEXAS 75265.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Veronica Lopez
Appeals Judge